

May 5, 2003

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources, Water and Land Resources Division File No. **E02CT047**  
Proposed Ordinance No. **2003-0134**

Open Space Taxation (Public Benefit Rating System)  
Application of **Murray Franklyn Company**  
P. O. Box 4054  
Seattle, WA 98104

Location of Property: 2173x Northeast 201st Court  
Woodinville, Washington

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:	Deny application
Department's Final:	Deny application
Examiner:	Deny application

**PRELIMINARY REPORT:**

The Department of Natural Resources, Water and Land Resources Division Report on Item No. E02CT047 was received by the Examiner on April 22, 2003.

**PUBLIC HEARING:**

After reviewing the Department of Natural Resources, Water and Land Resources Division Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on item no. E02CT047 was opened by the Examiner at 2:59 p.m., April 30, 2003, in the Fifth Floor Conference Room, Union Bank of California Building, 900 Fourth Avenue, Seattle, Washington, and closed at 3:05 p.m.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner: See "SUBJECT" above  
Location: See "SUBJECT" above

PBRS Resources Requested:

HIGH PRIORITY RESOURCES

Scenic resource, viewpoint or view corridor

Surface water quality buffer area

Open space close to urban or growth area

Urban or growth area open space

BONUS RESOURCE

Conservation easement

PUBLIC ACCESS

Limited access – Due to resource sensitivity (limited to appropriate user groups, permission from landowner required)

Zoning: RA5

Parcel

Total acreage: 0.82

Requested for PBRS: 0.82

Recommended PBRS: 0.00

Please note: Without a qualifying PBRS resource, the recommendation must be zero acres.

STR: NE-NW-04-26-06

2. Except as modified herein, the facts set forth in the King County Department of Natural Resources, Water and Land Resources Division preliminary report to the King County Hearing Examiner for the April 30, 2003, public hearing are found to be correct and are incorporated herein by this reference. Copies of the said report will be attached to the copies of this report submitted to the King County Council.

CONCLUSIONS:

1. Approval of current use valuation for 0.82 acres of the subject property, pursuant to the Public Benefit Rating System adopted by King County Ordinance No. 10511, would not be consistent with the purposes and intent of King County to maintain, preserve, conserve and otherwise continue in existence adequate open space lands and to assure the use and enjoyment of natural

resources and scenic beauty for the economic and social well-being of King County and its citizens.

2. Timely application has been made to King County for the current use valuation of the subject property to begin in 2004. Notice of said application was given in the manner required by law.
3. The subject property contains no qualifying characteristics of priority open space resources nor is it entitled to bonus points pursuant to the King County Public Benefit Rating System.

RECOMMENDATION:

DENY the request for current use valuation of .82 acres of the subject property.

RECOMMENDED this 5th day of May, 2003.

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Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 5th day of May, 2003, to the following parties and interested persons:

Murray Franklyn Company  
POB 4054  
Seattle, WA 98104

Monica Clarke, Metropolitan King County Council  
Susan Monroe, Department of Assessments  
Ted Sullivan, Department of Natural Resources  
Charlie Sundberg, Office of Cultural Resources

**NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before May 19, 2003***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before May 27, 2003***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement. If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of

this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

Action of the Council is final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

#### MINUTES OF THE APRIL 30, 2003 PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES FILE NO. E02CT047:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Ted Sullivan. There were no other participants in the hearing.

The following exhibits were offered and entered into the hearing record:

Exhibit No. 1	Not submitted
Exhibit No. 2	Not submitted
Exhibit No. 3	Not submitted
Exhibit No. 4	PBRS staff report
Exhibit No. 5	Affidavit of Publication
Exhibit No. 6	Notice of hearing from the Office of the Hearing Examiner
Exhibit No. 7	Notice of hearing from the PBRS Program
Exhibit No. 8	Legal notice and introductory ordinance to Council
Exhibit No. 9	Application—signed and notarized
Exhibit No. 10	Letter to Applicant regarding received application and approval schedule
Exhibit No. 11	Not submitted
Exhibit No. 12	King County Assessor's database
Exhibit No. 13	Arcview map and orthophoto
Exhibit No. 14	Aspen Glen survey (portion of recorded document)
Exhibit No. 15	Affidavit of Correction of Plat
Exhibit No. 16	Conservation easement